

OLL record

OLL 85-1918
28 June 1985

OLL FILE *Record*
Retirement

MEMORANDUM FOR: See Distribution

FROM:

Liaison Division, OLL

VIA:

Chief, Liaison Division, OLL *ACB*

SUBJECT:

Legislation Introduced that Would Affect
CIARDS Mandatory Retirement

1. Attached hereto is a copy of H.R. 1710 which would remove maximum hiring ages and mandatory retirement ages for selected Federal employees not covered by the Age Discrimination in Employment Act of 1967. Section 11 of this bill refers to CIA employees:

Part D of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out section 235, and by redesignating section 236 as 235.

2. If enacted this bill would eliminate the Director's authority to do the following:

SEC. 235. (a) The Director may in his discretion place in a retired status any participant who has completed at least twenty-five years of service, or who is at least fifty years of age and has completed at least twenty years of service, provided such participant has not less than ten years of service with the Agency of which at least five shall have been qualifying service. If so retired, such participant shall receive retirement benefits in accordance with the provisions of section 221.

(b) Any participant in the system receiving compensation at the rate of grade GS-18 or above shall be automatically separated from the Agency upon reaching the age of sixty-five. Any participant in the system receiving compensation at a rate less than grade GS-18 shall be automatically separated from the Agency upon reaching the

age of sixty. Such separation shall be effective on the last day of the month in which a participant reaches age sixty or sixty-five, as specified in this section, but whenever the Director shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. A participant separated under the provisions of this section who has completed five years of Agency service shall receive retirement benefits in accordance with the provisions of section 221 of the Act.

3. The bill, introduced by Congressman Roybal, is intended to protect employees from the potential adverse impact caused by mandatory retirement. It has been jointly referred to the Committees on Post Office and Civil Service and the District of Columbia. As of this date, the Civil Service Committee does not intend to pursue the bill. If this decision is reversed, hearings would be held and all employee groups who would be affected would be invited to testify.

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99TH CONGRESS
1ST SESSION

H. R. 1710

To remove maximum hiring ages and mandatory retirement ages for selected Federal employees not covered by the Age Discrimination in Employment Act of 1967.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1985

Mr. ROYBAL introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and the District of Columbia

A BILL

To remove maximum hiring ages and mandatory retirement ages for selected Federal employees not covered by the Age Discrimination in Employment Act of 1967.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Federal Employee Age
5 Discrimination Amendments of 1985".

6 **SEC. 2. AMENDMENTS TO TITLE 5, UNITED STATES CODE.**

7 (a) **MAXIMUM-AGE ENTRANCE REQUIREMENTS.**—

8 (1) Section 3307(a) of title 5, United States Code,
9 is amended by striking out "Except" and all that fol-

1 lows through "appropriated" and inserting in lieu
2 thereof "Appropriated".

3 (2) Section 3307 of title 5, United States Code, is
4 amended by striking out subsection (b) thereof, and by
5 redesignating subsection (c) and subsection (d) as sub-
6 section (b) and subsection (c), respectively.

7 (3) Section 3307(b) of title 5, United States Code,
8 as so redesignated in paragraph (2), is amended by
9 striking out "and maximum".

10 (4) Section 3307(c) of title 5, United States Code,
11 as so redesignated in paragraph (2), is amended by
12 striking out "and maximum".

13 (5)(A) The heading for section 3307 of title 5,
14 United States Code, is amended by striking out "; ex-
15 ceptions".

16 (B) The chapter analysis for subchapter I of chap-
17 ter 33 of title 5, United States Code, is amended by
18 striking out "; exceptions" in the item relating to sec-
19 tion 3307.

20 (b) AUTOMATIC SEPARATIONS.—

21 (1) Subchapter I of chapter 33 of title 5, United
22 States Code, is amended by striking out section 3323.

23 (2) The chapter analysis for subchapter I of chap-
24 ter 33 of title 5, United States Code, is amended by
25 striking out the item relating to section 3323.

1 (c) MANDATORY SEPARATION.—

2 (1)(A) Subchapter III of chapter 83 of title 5,
3 United States Code, is amended by striking out section
4 8335.

5 (B) The chapter analysis for subchapter III of
6 chapter 83 of title 5, United States Code, is amended
7 by striking out the item relating to section 8335.

8 (2) Section 8339(d)(1) of title 5, United States
9 Code, is amended by striking out “8335(b) or”.

10 (d) CONFORMING AMENDMENTS.—

11 (1) Section 626 of the Act of September 4, 1961
12 (22 U.S.C. 2386) is amended by striking out subsection
13 (b) thereof, and by redesignating subsection (c) as sub-
14 section (b).

15 (2)(A)(i) Section 103(a)(4)(E) of the District of Co-
16 lumbia Public Education Act (D.C. Code, sec. 31-
17 1403(a)(4)(E)) is amended by striking out “section
18 3323 and”.

19 (ii) Section 13(b) of the Act of September 22,
20 1961 (22 U.S.C. 2512(b)) is amended by striking out
21 “sections 3323(b) and” and inserting in lieu thereof
22 “section”.

23 (iii) Section 44 of the Act of September 26, 1961
24 (22 U.S.C. 2584) is amended in the second sentence
25 thereof by striking out “sections 3323(b) and 8344 of

1 title 5," and inserting in lieu thereof "section 8344 of
2 title 5".

3 (B) Section 103(a)(5)(C) of the District of Colum-
4 bia Public Education Act (D.C. Code, sec. 31-
5 1403(a)(5)(C)) is amended by striking out "section
6 3323 and".

7 (C) Section 203(a)(4)(E) of the District of Colum-
8 bia Public Education Act (D.C. Code, sec. 31-
9 1423(a)(4)(E)) is amended by striking out "section
10 3323 and".

11 (D) Section 203(a)(5)(C) of the District of Colum-
12 bia Public Education Act (D.C. Code, sec. 31-
13 1423(a)(5)(C)) is amended by striking out "section
14 3323 and".

15 **SEC. 3. RETIREMENT OF TAX COURT JUDGES.**

16 Section 7447(b)(1) of the Internal Revenue Code of
17 1954 (relating to retirement) is amended to read as follows:

18 "(1) Any judge who has attained the age of 70
19 may retire any time after serving as judge for 10 years
20 or more."

21 **SEC. 4. AMENDMENTS TO TITLE 28, UNITED STATES CODE.**

22 (a) **RETIREMENT OF THE DIRECTOR OF FEDERAL JU-**
23 **DICIAL CENTER.**—Section 627(a) of title 28, United States
24 Code, is amended—

1 (1) by striking out "shall" and inserting in lieu
2 thereof "may"; and

3 (2) by inserting before the period at the end there-
4 of the following: "upon his request".

5 (b) **TENURE OF MAGISTRATES.**—Section 631 of title
6 28, United States Code, is amended by striking out subsec-
7 tion (d) thereof, and by redesignating subsection (e) through
8 subsection (k) as subsection (d) through subsection (j), respec-
9 tively.

10 **SEC. 5. AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.**

11 (a) **MANDATORY RETIREMENT.**—

12 (1) Chapter 8 of title I of the Foreign Service Act
13 of 1980 (22 U.S.C. 4041 et seq.) is amended by strik-
14 ing out section 812.

15 (2) The table of contents in section 2 of the For-
16 eign Service Act of 1980 (Public Law 96-465; 94
17 Stat. 2071) is amended by striking out the item relat-
18 ing to section 812 and inserting in lieu thereof the fol-
19 lowing:

"Sec. 812. [Repealed.]".

20 (b) **RETIREMENT FOR DISABILITY OR INCAPACITY;**
21 **DEATH IN SERVICE.**—

22 (1) Section 808(a) of the Foreign Service Act of
23 1980 (22 U.S.C. 4048(a)) is amended in the last sen-
24 tence by striking out " , except that " and all that fol-
25 lows through "age 65".

1 (b) AMENDMENT.—Section 19 of the Coast and Geodetic
2 ic Survey Commissioned Officers' Act of 1948 (33 U.S.C.
3 853r) is amended by striking out “, separation, and retire-
4 ment” and inserting in lieu thereof “and separation”.

5 **SEC. 8. RETIREMENT OF COMMISSIONED OFFICERS OF**
6 **PUBLIC HEALTH SERVICE.**

7 (a) RETIREMENT AT AGE 64.—Section 211(a)(1) of the
8 Public Health Service Act (42 U.S.C. 212(a)(1)) is amended
9 by striking out “shall” and inserting in lieu thereof “may”.

10 (b) RETIREMENT AFTER 30 YEARS OF SERVICE.—
11 Section 211(a)(2) of the Public Health Service Act (42
12 U.S.C. 212(a)(2)) is amended—

13 (1) by striking out “may be retired by the Secre-
14 tary, and”; and

15 (2) by inserting a comma after “shall be retired”.

16 (c) OTHER RETIREMENT.—Section. 211(a)(3) of the
17 Public Health Service Act (42 U.S.C. 212(a)(3)) is amended
18 by striking out “with or without” and inserting in lieu thereof
19 “upon”.

20 **SEC. 9. RETIREMENT OF COMPTROLLER GENERAL AND AS-**
21 **SISTANT COMPTROLLER GENERAL.**

22 (a) AMENDMENT.—Section 703(e)(1) of title 31, United
23 States Code, is amended in the first sentence thereof by strik-
24 ing out “retires” and inserting in lieu thereof “may, upon his
25 request, be retired from his office”.

1 (b) CONFORMING AMENDMENT.—Section 772(a) of title
2 31, United States Code, is amended in the first sentence
3 thereof by striking out “for age”.

4 **SEC. 10. CHIEF JUDGE OF DISTRICT COURT OF VIRGIN IS-**
5 **LANDS.**

6 The second sentence of section 24(a) of the Revised Or-
7 ganic Act of the Virgin Islands (48 U.S.C 1614(a)) is amend-
8 ed by striking out “court” and inserting in lieu thereof “court
9 (except that in carrying out this sentence, paragraph (1)(A)
10 and paragraph (3)(C) of such section 136(a) shall not
11 apply).”.

12 **SEC. 11. EMPLOYEES OF CENTRAL INTELLIGENCE AGENCY.**

13 Part D of title II of the Central Intelligence Agency
14 Retirement Act of 1964 for Certain Employees (50 U.S.C.
15 403 note) is amended by striking out section 235, and by
16 redesignating section 236 as section 235.

17 **SEC. 12. EFFECTIVE DATE.**

18 The foregoing provisions of this Act, and the amend-
19 ments made by the foregoing provisions of this Act, shall
20 take effect on the date of the enactment of this Act.

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